

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------|---|--------------|
| COLLEEN YARNALL, et al., | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| PHILADELPHIA SCHOOL | : | NO. 11-3130 |
| DISTRICT, et al. | : | |
| | : | |

ORDER

AND NOW, this 4th day of October, 2013, having considered Motions for Reconsideration from Plaintiffs (Doc. No. 74) and from Defendants (Doc. No. 73), and all responses thereto, it is hereby **ORDERED** that:

1. Plaintiffs' "Motion to Accept Attached Memorandum in Support of Motion for Reconsideration" (Doc. No. 75) is **GRANTED**.

2. Plaintiffs' Motion for Reconsideration (Doc. No. 74) is **DENIED**. Accordingly, the Philadelphia Federation of Teachers is **DISMISSED** as a party from this action.

3. Plaintiffs' request in the alternative, that dismissal of their negligence and conspiracy claims against the PFT and § 1983 claims against Defendant Shirl Gilbert in his official capacity, be marked as denied without prejudice so that these claims may be re-filed at a later date, is **DENIED**.

4. Defendants' Motion for Reconsideration (Doc. No. 73) is **GRANTED**, in part.

a. Plaintiffs' PHRA sex discrimination and retaliation claims are **DISMISSED** for failure to exhaust administrative remedies.

b. Defendants' Motion for Reconsideration of this Court's equitable tolling of Plaintiffs' PHRA race discrimination charge is **DENIED**. However,

denial of this motion is made without prejudice. Defendants may re-raise this issue upon close of discovery.

5. Plaintiffs shall, within ten (10) days of this Order, file a single amended complaint.

6. The parties shall promptly initiate a joint call to the Court's chambers to schedule an in-person status conference, to be scheduled for a date closely following the filing of an amended complaint.

BY THE COURT:

/s/ L. Felipe Restrepo
L. Felipe Restrepo
United States District Court Judge